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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,831	03/22/2001	Jean Pierre Menard	0011-047	6133

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Larry E. Henneman
Henneman & Saunders
714 W. Michigan Avenue
Three Rivers, MI 49093

EXAMINER
CHOWDHURY, TARIFUR RASHID

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,831	MENARD, JEAN PIERRE	
	Examiner	Art Unit	
	Tarifur R Chowdhury	2871	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimori et al., (Fujimori), USPAT 5,868,485.

3. Fujimori discloses and shows in Fig. 5, a display device assembly, comprising:

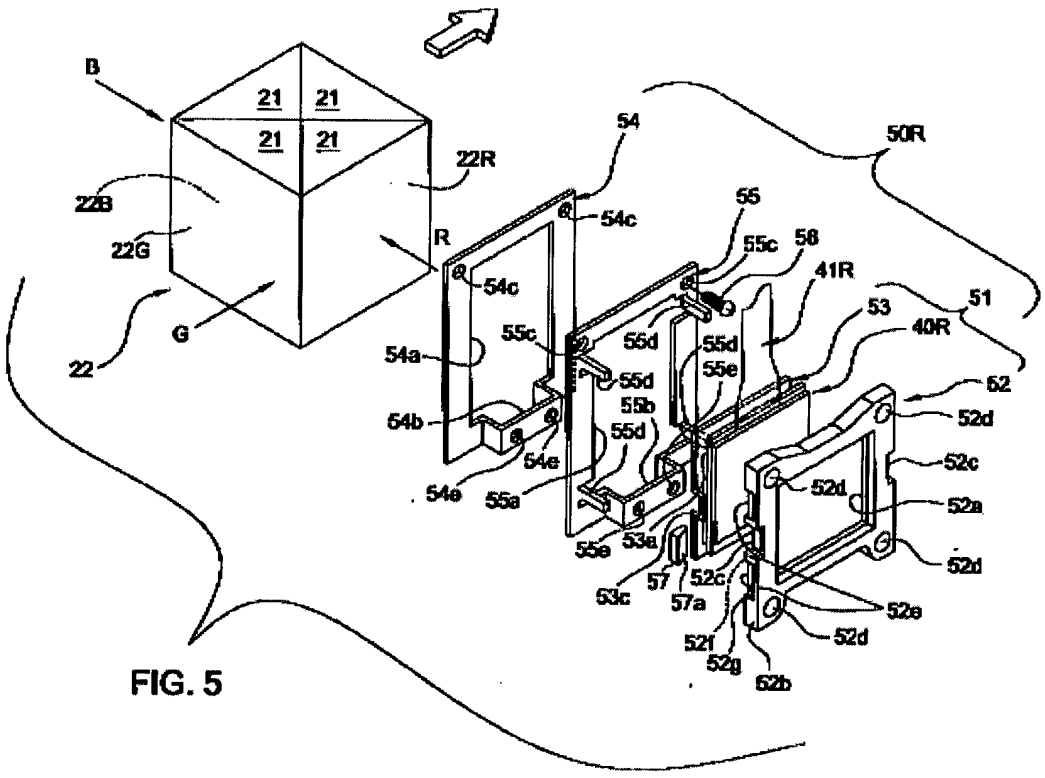

FIG. 5

- a liquid crystal display panel (40R) (applicant's imager device) affixed to a frame plate (53) (applicant's substrate); and

- a frame plate (52) (applicant's mounting border) adapted for accepting the substrate, the mounting border having at least one engagement groove (52c) (applicant's stress relief recess).

Accordingly, claim 1 is anticipated.

As to claim 8, Fujimori shows in Fig. 5 that a flexible cable and connector assembly (41R) affixed to the substrate.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 3, 9-14, 16, 17, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori as applied to claims 1 and 8 above.

6. Fujimori shows in Fig. 5 that the mounting border includes at least two engagement holes (52d). Further, mounting screw holes and engagement holes are art recognized functional equivalents and thus at least would have been obvious.

As to claims 9, 10, 12, 19 and 22, Fujimori also shows in Fig. 5 that the mounting border is rectangular in shape and the mounting screw hole (52d) is located within the rectangular perimeter of the mounting border and isolated from a main body of the mounting border by at least one of the stress relief recesses.

As to claim 11, Fujimori shows in Fig. 5 that the stress relief recess (52c) is positioned adjacent to a mounting screw aperture (52d).

As to claims 13 and 17, Fujimori shows in Fig. 5 that the mounting frame (mounting border) includes two mounting holes and two stress relief recesses.

As to claims 14 and 23, Fujimori also shows in Fig. 5 that the mounting frame is shaped as a polygon and the two mounting holes (52d) and the two stress relief recesses (52c) lie within the perimeter of the polygon.

As to claim 16, it is from Fig. 5 of Fujimori that the stress relief recess is located adjacent to a mounting screw hole.

7. Claims 4-7, 15, 18, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori as applied to claims 2, 3, 9-14, 16, 17, 19, 22 and 23 above and in view of Miles et al., (Miles), USPAT 5,515,188.

8. Fujimori does not explicitly disclose that the substrate is affixed to the mounting border by a compliant adhesive and an aperture mask is affixed to the mounting border with an adhesive.

Miles discloses (col. 1, lines 47-54) that using adhesive to affix to glass plates form a strong bond.

Miles is evidence that ordinary workers in the art of liquid crystal would find a reason, suggestion or motivation to use adhesive to affix two elements.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the display device assembly of Fujimori by affixing the substrate to the mounting border, using an adhesive so that a strong bond between them is attained, as per the teachings of Miles.

Accordingly, claims 4 and 5 would have been obvious.

As to claims 6 and 7, an aperture mask interposed between the frame and the mounting border is common and known in the art and thus would have been obvious to precisely define a model.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,307,603. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are in fact broader than the patented claims and the use of recess instead of slot or aperture to provide stress relief is considered as intended use since all of them (slot or recess or aperture) would perform the same way and provide the same benefit.

Response to Arguments

In response to applicant's argument that according to Fujumori, the only means of attachment of the frame plate 52 to the intermediate frame 55 is at the engagement

groove 52c and thus the groove cannot provide stress relief, it is respectfully pointed out to applicant that in fact the means of attachment of the frame plate 52 to the intermediate frame 55 is not the engagement groove but the engagement hole 52d (col. 7, lines 63-66). Therefore, since the point of attachment is not the engagement groove 52c but the engagement hole 52d, the engagement groove 52c is capable of providing stress relief.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Miles teaches the use of adhesive to attach two plates together.

In response to applicant's argument regarding the double patenting rejection, it is respectfully pointed out to applicant that even though the stress relief feature disclosed in the '603 Patent is an "aperture" in claim 1 and "slot" in claim 13, the term, "recess" has a similar meaning as "slot". Both slot and recess have grooves in some instances. Besides both the slot in the '603 patent and the recess in the instant application performing the same function which is to provide stress relief. Further, forming either an "aperture" or "slot" or "recess" is considered as intended use and thus would have been obvious.

Therefore, the rejection was proper and thus maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R Chowdhury whose telephone number is (703) 308-4115. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on (703) 305-4842. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7005 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

T. Chowdhury
Patent Examiner
Technology Center 2800

TRC
March 27, 2003